
6 Government and society

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The growth of government

William the Conqueror had governed England and Normandy by travelling from one place to another to make sure that his authority was accepted. He, and the kings after him, raised some of the money they needed by trying cases and fining people in the royal courts. The king's "household" was the government, and it was always on the move. There was no real capital of the kingdom as there is today. Kings were crowned in Westminster, but their treasury stayed in the old Wessex capital, Winchester. When William and the kings after him moved around the country staying in towns and castles, they were accompanied by a large number of followers. Wherever they went the local people had to give them food and somewhere to stay. It could have a terrible effect. Food ran out, and prices rose.

This form of government could only work well for a small kingdom. By the time the English kings were ruling half of France as well they could no longer travel everywhere themselves. Instead, they sent nobles and knights from the royal household to act as sheriffs. But even this system needed people who could administer taxation, justice, and carry out the king's instructions. It was obviously not practical for all these people to follow the king everywhere. At first this "administration" was based in Winchester, but by the time of Edward I, in 1290, it had moved to Westminster. It is still there today. However, even though the administration was in Westminster the real capital of England was still "in the king's saddle".

The king kept all his records in Westminster, including the Domesday Book. The king's administration kept a careful watch on noble families. It made sure the king claimed money every time a young noble took over the lands of his father, or when a noble's daughter married. In every possible way the king always "had his hand in his subject's pocket". The administration also checked the towns and the ports to make sure that taxes were paid, and kept a record of the fines made by the king's court.

Most important of all, the officials in Westminster had to watch the economy of the country carefully. Was the king getting the money he needed in the most effective way? Such questions led to important changes in taxation between 1066 and 1300. In 1130 well over half of Henry I's money came from his own land, one-third from his feudal vassals in rights and fines, and only one-seventh from taxes. One hundred and fifty years later, over half of Edward I's money came from taxes, but only one-third came from his land and only one-tenth from his feudal vassals. It is no wonder that Edward called to his parliament representatives of the people whom he could tax most effectively.

It is not surprising, either, that the administration began to grow very quickly. When William I invaded Britain he needed only a few clerks to manage his paperwork. Most business, including feudal homage, was done by the spoken, not written, word. But the need for paperwork grew rapidly. In 1050 only the king (Edward the Confessor) had a seal with which to "sign" official papers. By the time of Edward I, just over two

hundred years later, even the poorest man was expected to have a seal in order to sign official papers, even if he could not read. From 1199 the administration in Westminster kept copies of all the letters and documents that were sent out.

The amount of wax used for seals on official papers gives an idea of the rapid growth of the royal administration. In 1220, at the beginning of Henry III's reign, 1.5 kg were used each week. Forty years later, in 1260, this had risen to 14 kg weekly. And government administration has been growing ever since.

Law and justice

The king, of course, was responsible for law and justice. But kings usually had to leave the administration of this important matter to someone who lived close to the place where a crime was committed. In Saxon times every district had had its own laws and customs, and justice had often been a family matter. After the Norman Conquest nobles were allowed to administer justice among the villages and people on their lands. Usually they mixed Norman laws with the old Saxon laws. They had freedom to act more or less as they liked. More serious offences, however, were tried in the king's courts.

Henry I introduced the idea that all crimes, even those inside the family, were no longer only a family matter but a breaking of the "king's peace". It was therefore the king's duty to try people and punish them. At first the nobles acted for the king on their own lands, but Henry wanted the same kind of justice to be used everywhere. So he appointed a number of judges who travelled from place to place administering justice. (These travelling, or "circuit", judges still exist today.) They dealt both with crimes and disagreements over property. In this way the king slowly took over the administration from the nobles.

At first the king's judges had no special knowledge or training. They were simply trusted to use common sense. Many of them were nobles or bishops who followed directly the orders of the king. It is not surprising that the quality of judges

depended on the choice of the king. Henry II, the most powerful English king of the twelfth century, was known in Europe for the high standards of his law courts. "The convincing proof of our king's strength," wrote one man, "is that whoever has a just cause wants to have it tried before him, whoever has a weak one does not come unless he is dragged."

By the end of the twelfth century the judges were men with real knowledge and experience of the law. Naturally these judges, travelling from place to place, administered the same law wherever they went. This might seem obvious now, but since Saxon times local customs and laws had varied from one place to another. The law administered by these travelling judges became known as "common law", because it was used everywhere.

England was unlike the rest of Europe because it used common law. Centuries later, England's common law system was used in the United States (the North American colonies) and in many other British colonial possessions, and accepted when these became nations in their own right. In other parts of Europe legal practice was based on the Civil Law of the Roman Empire, and the Canon Law of the Church. But although English lawyers referred to these as examples of legal method and science, they created an entirely different system of law based on custom, comparisons, previous cases and previous decisions. In this way traditional local laws were replaced by common law all over the land. This mixture of experience and custom is the basis of law in England even today. Modern judges still base their decisions on the way in which similar cases have been decided.

The new class of judges was also interested in how the law was carried out, and what kinds of punishment were used. From Anglo-Saxon times there had been two ways of deciding difficult cases when it was not clear if a man was innocent or guilty. The accused man could be tested in battle against a skilled fighter, or tested by "ordeal". A typical "ordeal" was to put a hot iron on the man's tongue. If the burn mark was still there three days later he was thought to be guilty. It was argued that

God would leave the burn mark on a guilty man's tongue. Such a system worked only as long as people believed in it. By the end of the twelfth century there were serious doubts and in 1215 the pope forbade the Church to have anything to do with trial by ordeal.

In England trial by ordeal was replaced with trial by jury. The jury idea dated back to the Danes of Danelaw, but had only been used in disputes over land. Henry II had already introduced the use of juries for some cases in the second half of the twelfth century. But it was not the kind of jury we know today. In 1179 he allowed an accused man in certain cases to claim "trial by jury". The man could choose twelve neighbours, "twelve good men and true", who would help him prove that he was not guilty. Slowly, during the later Middle Ages, the work of these juries gradually changed from giving evidence to judging the evidence of others. Juries had no training in the law. They were ordinary people using ordinary common sense. It was soon obvious that they needed guidance. As a result law schools grew up during the thirteenth century, producing lawyers who could advise juries about the points of law.

Religious beliefs

The Church at local village level was significantly different from the politically powerful organisation the king had to deal with. At the time of William I the ordinary village priest could hardly read at all, and he was usually one of the peasant community. His church belonged to the local lord, and was often built next to the lord's house. Almost all priests were married, and many inherited their position from their father.

However, even at village level the Church wished to replace the lord's authority with its own, but it was only partly successful. In many places the lord continued to choose the local priest, and to have more influence over him than the more distant Church authorities were able to have.

The Church also tried to prevent priests from marrying. In this it was more successful, and by the end of the thirteenth century married priests were

unusual. But it was still common to find a priest who "kept a girl in his house who lit his fire but put out his virtue."

There were, however, many who promised not to marry and kept that promise. This was particularly true of those men and women who wanted to be monks or nuns and entered the local monastery or nunnery. One reason for entering a religious house was the increasing difficulty during this period of living on the land. As the population grew, more and more people found they could not feed their whole family easily. If they could enter a son or daughter into the local religious house there would be fewer mouths to feed. Indeed, it may have been the economic difficulties of raising a family which persuaded priests to follow the Church ruling. Life was better as a monk within the safe walls of a monastery than as a poor farmer outside. A monk could learn to read and write, and be sure of food and shelter. The monasteries were centres of wealth and learning.

In 1066 there were fifty religious houses in England, home for perhaps 1,000 monks and nuns. By the beginning of the fourteenth century there were probably about 900 religious houses, with 17,500 members. Even though the population in the fourteenth century was three times larger than it had been in 1066, the growth of the monasteries is impressive.

The thirteenth century brought a new movement, the "brotherhoods" of friars. These friars were wandering preachers. They were interested not in Church power and splendour, but in the souls of ordinary men and women. They lived with the poor and tried to bring the comfort of Christianity to them. They lived in contrast with the wealth and power of the monasteries and cathedrals, the local centres of the Church.

Ordinary people in country and town

There were probably between 1.5 and 2 million people living in England in 1066. The Domesday Book tells us that nine-tenths of them lived in the

paying a fee to cover the cost of the training, or apprenticeship, necessary to maintain the high standard of the trade.

During the fourteenth century, as larger towns continued to grow, “craft” guilds came into being. All members of each of these guilds belonged to the same trade or craft. The earliest craft guilds were those of the weavers in London and Oxford. Each guild tried to protect its own trade interests. Members of these guilds had the right to produce, buy or sell their particular trade without having to pay special town taxes. But members also had to make sure that goods were of a certain quality, and had to keep to agreed prices so as not to undercut other guild members.

In London the development of craft guilds went further than elsewhere, with a rich upper level of the craft community, the so-called livery companies, controlling most of the affairs of the city. Over the centuries the twelve main livery companies have developed into large financial institutions. Today they play an important part in the government of the City of London, and the yearly choice of its Lord Mayor.

Language, literature and culture

The growth of literacy in England was closely connected with the twelfth-century Renaissance, a cultural movement which had first started in Italy. Its influence moved northwards along the trade routes, reaching England at the end of the century. This revolution in ideas and learning brought a new desire to test religious faith against reason. Schools of learning were established in many towns and cities. Some were “grammar” schools independent of the Church, while others were attached to a cathedral. All of these schools taught Latin, because most books were written in this language. Although it may seem strange for education to be based on a dead language, Latin was important because it was the educated language of almost all Europe, and was therefore useful in the spread of ideas and learning. In spite of the dangers, the Church took a lead in the new intellectual movement.

In England two schools of higher learning were established, the first at Oxford and the second at Cambridge, at the end of the twelfth century. By the 1220s these two universities were the intellectual leaders of the country.

Few could go to the universities. Most English people spoke neither Latin, the language of the Church and of education, nor French, the language of law and of the Norman rulers. It was a long time before English became the language of the ruling class. Some French words became part of the English language, and often kept a more polite meaning than the old Anglo-Saxon words. For example, the word “chair”, which came from the French, describes a better piece of furniture than the Anglo-Saxon word “stool”. In the same way, the Anglo-Saxon word “belly” was replaced in polite society by the word “stomach”. Other Anglo-Saxon words ceased to be used altogether.

Mob Quad in Merton College is the oldest of Oxford's famous “quadrangles”, or courtyards. It was built in the first half of the fourteenth century. Almost all the Oxford colleges were built round quadrangles, with a library on one side (in Mob Quad on the first floor on the left), and living areas for both masters and students on the other sides. Merton College chapel, in the background, is the finest late fourteenth-century example in Oxford.

